

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN

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NATHAN J FLYNN,

Plaintiff,

Case No. 23-cv-46-pp

v.

ERIC EBERHARDT  
and GARY BELZER,

Defendants.

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**ORDER GRANTING PLAINTIFF'S MOTION TO DISMISS ERIC EBERHARDT  
(DKT. NO. 22), GRANTING PLAINTIFF'S MOTION TO DISMISS DEFENDANT  
GARY BELZER (DKT. NO. 23), DENYING AS MOOT DEFENDANT GARY  
BELZER'S MOTION TO DISMISS (DKT. NO. 8), DENYING AS MOOT  
DEFENDANT ERICK EBERHARDT'S MOTION TO DISMISS (DKT. NO. 12)  
AND DISMISSING CASE**

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On February 10, 2023, defendants Gary Belzer and Eric Eberhardt filed separate motions to dismiss under Federal Rules of Civil Procedure 12(b)(1) and 12(b)(6). Dkt. Nos. 8, 12. Four days later, this court entered an order advising the plaintiff that by March 3, 2023, he could either file an amended complaint or respond to the pending motions to dismiss. Dkt. No. 19.

On March 3, 2023, the court received from the plaintiff motions to dismiss both defendants with prejudice under Fed. R. Civ. P. 41(a)(1)(A)(i). Dkt. No. 22, 23. The defendants' attorneys separately filed letters advising the court that they did not object to the court construing these motions as motions for voluntary dismissal. Dkt. Nos. 24, 25. They ask only that the order reflect that the dismissal is with prejudice. Id.

The court **CONSTRUES** the plaintiff's motion to dismiss defendant Eric Eberhardt as a motion to voluntarily dismiss under Fed. R. Civ. P. 41(a)(2), and **GRANTS** the motion. Dkt. No. 22.

The court **CONSTRUES** the plaintiff's motion to dismiss defendant Gary Belzer as a motion to voluntarily dismiss under Fed. R. Civ. P. 41(a)(2), and **GRANTS** that motion. Dkt. No. 23.

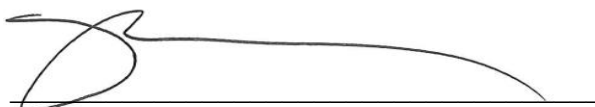
The court **DENIES AS MOOT** defendant Eberhardt's motion to dismiss. Dkt. No. 12.

The court **DENIES AS MOOT** defendant Belzer's motion to dismiss. Dkt. No. 8.

The court **ORDERS** that this case is **DISMISSED WITH PREJUDICE**. The clerk will enter judgment accordingly.

Dated in Milwaukee, Wisconsin this 27th day of April, 2023.

**BY THE COURT:**

A handwritten signature in black ink, appearing to read 'P. Pepper', is written over a horizontal line.

**HON. PAMELA PEPPER**  
**Chief United States District Judge**